

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEROME RAY WILSON,
Defendant.

NO. CR18-131RAJ

STIPULATED MOTION TO CONTINUE
TRIAL DATE AND OTHER
DEADLINES

I. RELIEF REQUESTED

The parties respectfully move the Court to continue the trial date as to Defendant Jerome Wilson (Defendant # 24) to September 9, 2019, to correspond with the trial date as to the other defendants joined in this matter. The parties further move the Court to set other deadlines per an Amended Complex Case Management Order.

II. BACKGROUND

The Court is familiar with the basic facts of this matter, which have been set forth in other pleadings and at status conferences held by the Court on August 1, 2018 and February 22, 2019. As discussed at said hearings, this matter and the linked related cases all arise out of the same investigation, involve more than forty individual defendants and voluminous amounts of discovery. During those hearings, the Court ultimately found the

1 parties could not be ready for trial prior to the current trial date of September 9, 2019, and
2 continued trial to that date.

3 Defendant Wilson was charged in the original indictment, returned in May of
4 2018, and is also charged in the Superseding Indictment. However, he was not arrested
5 on his warrant until February 28, 2019 – after the last status conference.

6 For obvious reasons, if the other defendants charged in this matter – most of
7 whom were arrested back in June of 2018 – cannot reasonably be ready for trial before
8 September 9, 2019, Defendant Wilson equally cannot be ready prior to that date.

9 III. AUTHORITY

10 As set forth in prior briefing, and as found by the Court as to the other defendants,
11 pursuant to 18 U.S.C. §§ 3161(h)(7)(B)(i), (ii) and/or (iv), this Court has the discretion to
12 order the continuance of the existing trial date, and to exclude the delay from the speedy
13 trial calculation in these circumstances. These linked cases, taken together, constitute
14 one of the largest prosecutions undertaken in this District, at least in recent memory. The
15 number of defendants, the interlinked indictments, and the sheer volume of discovery
16 make it difficult to foresee this case being ready for trial much sooner than a year after
17 the arrests.

18 Accordingly, based on the foregoing facts, “(i) the failure to grant such a
19 continuance in the proceeding would be likely to make a continuation of such proceeding
20 impossible, or result in a miscarriage of justice,” because “(ii) “. . . the case is so unusual
21 or complex, due to the number of defendants, the nature of the prosecution or the
22 existence of novel questions of fact or law, that it is unreasonable to expect adequate
23 preparation for pretrial proceedings or for the trial itself within the time limits established
24 by this section.”

25 Even if the case was not “complex” within the meaning of subsection (ii), a
26 continuance would nonetheless be appropriate under subsection (iv), because “. . . the
27 failure to grant such a continuance in a case which, taken as a whole, is not so unusual or
28

1 so complex as to fall within clause (ii), would deny the defendant reasonable time to
 2 obtain counsel, would unreasonably deny the defendant or the Government continuity of
 3 counsel, or would deny counsel for the defendant or the attorney for the Government the
 4 reasonable time necessary for effective preparation, taking into account the exercise of
 5 due diligence.”

6 This Court has already determined that a continuance was warranted as to the co-
 7 defendants in this matter. That determination applies with equal, if not greater, force to
 8 Defendant Wilson, who was only recently arrested in this matter.

9 Defendant represents that he does in fact need said continuance, and will file a
 10 waiver of his speedy trial rights through September of 2019.

11 IV. CONCLUSION

12 For the reasons set forth above, the parties respectfully submit that the Court
 13 should grant this motion, continue trial as to Defendant Wilson to September 9, 2018 to
 14 correspond with the trial date as to the other co-defendants. The parties further move the
 15 Court to establish deadlines per an Amended Complex Case Scheduling Order.

16 Respectfully submitted this 26th day of March, 2019.

17
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20 /s/ Vincent T. Lombardi

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

/s/Vincent T. Lombardi

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